

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MANN & COMPANY, PC,
Plaintiff, Individually And On Behalf
Of A Class Of All Persons and Entities
Similarly Situated

V.

C-TECH INDUSTRIES, INC.
Defendant

**CIVIL ACTION NO. 1:08CV11312-
RGS**

**PLAINTIFF'S UNOPPOSED MOTION FOR CLARIFICATION AS TO THE COURT'S
FINAL ORDER APPROVING STIPULATION OF SETTLEMENT AND CERTIFYING
CLASS DATED FEBRUARY 5, 2010 TO DESIGNATE THE NATIONAL CONSUMER
LAW CENTER AS CY PRES RECIPIENT**

Now comes the Plaintiff Mann & Company, P.C., individually and on behalf of a class of all persons and entities similarly situated in this action, on an unopposed basis, with this Motion for Clarification as to this Court's February 5, 2010 Final Order Approving Stipulation of Settlement and Certifying Class Dated February 5, 2010 ("Final Order") as grounds for this Motion, Plaintiff states:

1. Pursuant to the Stipulation and orders of the Court, A.B. Data, LTD. ("AB Data") the class administrator retained in this action administrative and notice costs were paid in the amount of \$50,457.35; attorneys' fees and expenses were paid in the amount of \$175,815; and the service fee payment in the amount of \$15,000 to the Class Representative was paid. See Affidavit of Anya Verkhovskaya attached hereto as Exhibit A.

2. On May 14, 2010, AB Data issued 3,925 Settlement payment checks in the amount of \$758,859.50 to eligible Settlement Class Members. Id.

3. Subsequent to the May 14, 2010, initial distribution, 431 Settlement payment checks were returned as undeliverable or requested to be stopped and reissued; in 42 instances, these checks were reissued. Id.

4. A total of 3,252 Settlement payment checks totaling \$628,741.68 have been cashed. A total of 673 Settlement payment checks totaling \$130,117.82 were not cashed by their respective void dates, some of which were returned as undeliverable without a forwarding address. Id.

5. The Parties' Stipulation of Class Action Settlement and Memorandum in Support thereof, designate the National Consumer Law Center ("NCLC") to be the cy-pres beneficiary of any funds remaining from the Settlement Fund. However, the Final Order does not explicitly designate the NCLC as the cy-pres beneficiary to the remaining funds.

6. In further support of this distribution, please see the attached National Consumer Law Center's Statement in Support of Cy Pres Award offered by Williard P. Ogburn, Executive Director and Stuart Rossman, the Director of Litigation for the NCLC, attached hereto as Exhibit B detailing the consumer advocacy, work pursued by the NCLC, particularly with respect to telemarketing issues.

7. Counsel for Plaintiff and the Class has been authorized by counsel for Defendant C-Tech Industries, Inc. to represent that Defendant that does not oppose this motion.

WHEREFORE, the Plaintiff, and the class it represent, respectfully requests that the Court designate the National Consumer Law Center as the cy pres beneficiary to the remaining \$130,117.82 in the Settlement Fund.

PLAINTIFF MANN & COMPANY AND A
CLASS OF ALL PERSONS AND ENTITIES
SIMILARLY SITUATED,

By its Attorneys,

/s/ Edward A. Broderick

Edward A. Broderick, BBO#566826
The Law Office of Edward A. Broderick
727 Atlantic Ave., Second Floor
Boston, MA 02111
Phone: (617) 738-7080
Fax: (617) 357-5030
ted@broderick-law.com

/s/ Matthew P. McCue

Matthew P. McCue
The Law Office of Matthew P. McCue
340 Union Ave.
Framingham, MA 01702
Phone: (508) 620-1166
Fax: (508) 820-3311
mmccue@massattorneys.net

Dated: April 4, 2011

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of electronic filing and paper copies will be sent to those indicated as non-registered participants.

/s/ Edward A. Broderick
Edward A. Broderick

Dated: April 4, 2011